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**PRELIMINARY DRAFT**  
**No. 3558**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2011 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 2-5; IC 2-5.5.

**Synopsis:** Noncode statutes. Establishes general rules relating to the operation of legislative study commissions and committees. Relocates the statute establishing the criminal law and sentencing policy study committee. Repeals the statute enacted for temporary legislative study committees.

**Effective:** July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-1.2 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2011]:

4       **Chapter 1.2. Definitions and General Provisions Relating to the**  
5       **Operation of a Committee**

6       **Sec. 1. (a) Except as provided in subsection (b) or otherwise in**  
7       **this article, this chapter applies to all committees established under**  
8       **this article.**

9       **(b) This chapter does not apply to the following:**

10       **(1) The legislative council and code revision commission**  
11       **(IC 2-5-1.1).**

12       **(2) The public officers compensation advisory commission**  
13       **(IC 2-5-1.5).**

14       **(3) The commission on interstate cooperation (IC 2-5-2).**

15       **(4) The commission on state tax and financing policy**  
16       **(IC 2-5-3).**

17       **(5) The natural resources study committee (IC 2-5-5).**

18       **(6) The pension management oversight commission**  
19       **(IC 2-5-12).**

20       **(7) The probate code study commission (IC 2-5-16).**

21       **(8) The administrative rules oversight committee (IC 2-5-18).**

22       **(9) The census data advisory committee (IC 2-5-19).**

23       **(10) The commission on military and veterans affairs**  
24       **(IC 2-5-20).**

25       **(11) A committee covered by IC 2-5-21.**

26       **(12) The health finance commission (IC 2-5-23).**

27       **(13) The water resources study committee (IC 2-5-25).**

28       **(14) The select joint commission on Medicaid oversight**  
29       **(IC 2-5-26).**

30       **(15) The commission on developmental disabilities**  
31       **(IC 2-5-27.2).**



(16) The joint study committee on mass transit and transportation alternatives (IC 2-5-28).

(17) The youth advisory council (IC 2-5-29).

(18) The unemployment insurance oversight committee (IC 2-5-30).

(19) The criminal law and sentencing policy study committee (IC 2-5-31).

Sec. 2. The definitions in this chapter apply throughout this article except in a statute listed in section 1 of this chapter.

Sec. 3. "Appointing authority" refers to the office that has the duty to appoint a committee member under this article.

Sec. 4. "Committee" refers to a commission, a committee, or another body (however designated) established under this article.

Sec. 5. "House" refers to the house of representatives of the general assembly.

Sec. 6. "President pro tempore" refers to the president pro tempore of the senate of the general assembly.

Sec. 7. "Senate" refers to the senate of the general assembly.

Sec. 8. "Speaker" refers to the speaker of the house of representatives of the general assembly.

Sec. 9. (a) If a vacancy occurs on a committee, the appointing authority that appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) An individual appointed to fill a vacancy must have the qualifications that a member appointed by the appointing authority must have.

(c) An individual appointed to fill a vacancy serves:

(1) for the remainder of the term of the member the individual is appointed to succeed, if committee members have a term set under this article; or

(2) at the pleasure of the appointing authority, if subdivision (1) does not apply.

Sec. 10. The legislative services agency shall provide staff support to a committee.

Sec. 11. Each member of a committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 12. The affirmative votes of a majority of the voting members appointed to a committee are required for the committee to take action on any measure, including the final report.

Sec. 13. A committee shall operate under the policies and rules of the legislative council.

Sec. 14. All funds necessary for a committee to carry out its functions shall be paid from appropriations to the legislative council and the legislative services agency.



1       **Sec. 15. A committee shall submit interim, final, and other**  
 2       **reports to the legislative council as directed by the legislative**  
 3       **council in an electronic format under IC 5-14-6.**

4       **Sec. 16. All reports of a committee are public records.**

5       SECTION 2. IC 2-5-31 IS ADDED TO THE INDIANA CODE AS  
 6       A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 7       1, 2011]:

8       **Chapter 31. Criminal Law and Sentencing Policy Study**  
 9       **Committee**

10       **Sec. 1. The criminal law and sentencing policy study committee**  
 11       **is established.**

12       **Sec. 2. The committee consists of fourteen (14) members**  
 13       **appointed as follows:**

14               **(1) Four (4) members of the senate, not more than two (2) of**  
 15               **whom may be affiliated with the same political party,**  
 16               **appointed by the president pro tempore.**

17               **(2) Four (4) members of the house, not more than two (2) of**  
 18               **whom may be affiliated with the same political party,**  
 19               **appointed by the speaker.**

20               **(3) The executive director of the prosecuting attorneys council**  
 21               **of Indiana or the executive director's designee.**

22               **(4) The executive director of the public defender council of**  
 23               **Indiana or the executive director's designee.**

24               **(5) One (1) person who:**

25                       **(A) has experience in administering probation programs;**  
 26                       **and**

27                       **(B) is a member of the Probation Officers' Professional**  
 28                       **Association of Indiana;**

29               **appointed by the members of the association.**

30               **(6) One (1) circuit or superior court judge who exercises**  
 31               **criminal or juvenile jurisdiction, appointed by the chief**  
 32               **justice of the supreme court.**

33               **(7) The commissioner of the department of correction.**

34               **(8) The chairman of the parole board.**

35       **Sec. 3. The chairman of the legislative council shall appoint a**  
 36       **legislative member of the committee to serve as chair of the**  
 37       **committee. Whenever there is a new chairman of the legislative**  
 38       **council, the new chairman may remove the chair of the committee**  
 39       **and appoint another chair.**

40       **Sec. 4. If a legislative member of the committee ceases to be a**  
 41       **member of the chamber from which the member was appointed,**  
 42       **the member also ceases to be a member of the committee.**

43       **Sec. 5. A legislative member of the committee may be removed**  
 44       **at any time by the appointing authority who appointed the**  
 45       **legislative member.**

46       **Sec. 6. If a vacancy exists on the committee, the appointing**



1 authority who appointed the former member whose position is  
2 vacant shall appoint an individual to fill the vacancy.

3 Sec. 7. The committee shall submit a final report of the results  
4 of its study to the legislative council before November 1 of  
5 even-numbered years. The report must be in an electronic format  
6 under IC 5-14-6.

7 Sec. 8. The Indiana criminal justice institute shall provide staff  
8 support to the committee to prepare:

- 9 (1) minutes of each meeting; and
- 10 (2) the final report.

11 Sec. 9. The legislative services agency shall provide staff support  
12 to the committee to:

- 13 (1) advise the committee on legal matters, criminal  
14 procedures, and legal research; and
- 15 (2) draft potential legislation.

16 Sec. 10. Each member of the committee is entitled to receive the  
17 same per diem, mileage, and travel allowances paid to individuals  
18 who serve as legislative and lay members, respectively, of interim  
19 study committees established by the legislative council.

20 Sec. 11. The affirmative votes of a majority of the voting  
21 members appointed to the committee are required for the  
22 committee to take action on any measure, including the final  
23 report.

24 Sec. 12. Except as otherwise specifically provided by this  
25 chapter, the committee shall operate under the rules of the  
26 legislative council. All funds necessary to carry out this chapter  
27 shall be paid from appropriations to the legislative council and the  
28 legislative services agency.

29 Sec. 13. (a) The committee is established to evaluate criminal  
30 laws, sentencing laws, and policies as they relate to:

- 31 (1) the purposes of the criminal justice and corrections  
32 systems;
- 33 (2) the availability of sentencing options; and
- 34 (3) the inmate population in department of correction  
35 facilities.

36 If, based on the committee's evaluation under this subsection, the  
37 committee determines that changes are necessary or appropriate,  
38 the committee shall make recommendations to the general  
39 assembly for the modification of sentencing laws and policies and  
40 for the addition, deletion, or expansion of sentencing options.

41 (b) The committee shall do the following:

- 42 (1) Conduct a continuing study of the laws relating to:
  - 43 (A) the investigation of crimes;
  - 44 (B) the prosecution of crimes;
  - 45 (C) criminal procedures;
  - 46 (D) alternative sentencing programs;



- 1 (E) the department of correction;
- 2 (F) parole;
- 3 (G) probation;
- 4 (H) community corrections;
- 5 (I) home detention programs;
- 6 (J) criminal registries;
- 7 (K) victim rights;
- 8 (L) the classification of criminal offenses into felony and
- 9 misdemeanor categories;
- 10 (M) sex offenders; and
- 11 (N) juvenile offenders.
- 12 (2) Study federal requirements or incentives for states to pass
- 13 certain laws or establish specific programs.
- 14 (3) Determine the long range needs of the criminal justice and
- 15 corrections systems and recommend policy priorities for those
- 16 systems.
- 17 (4) Identify critical problems in the criminal justice and
- 18 corrections systems and recommend strategies to solve the
- 19 problems.
- 20 (5) Assess the cost effectiveness of the use of state and local
- 21 funds in the criminal justice and corrections systems.
- 22 (6) Propose plans, programs, and legislation for improving the
- 23 effectiveness of the criminal justice and corrections systems.
- 24 (c) The committee may study other topics assigned by the
- 25 legislative council or as directed by the committee chair. The
- 26 committee may meet as often as necessary.
- 27 SECTION 3. IC 2-5.5 IS REPEALED [EFFECTIVE JULY 1, 2011].

